

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY SEPTEMBER 25, 2002
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
19925 TWENTY-THREE MILE ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: KENNETH MEERSCHAERT, JR.
JANET DUNN
DINO F. BUCCI, JR.
CHARLES OLIVER

ABSENT: None.

Also in attendance: Larry Dloski, Township Attorney
Jim VanTiflin, Township Engineer
(Additional attendance record on file with Clerk)

CALL MEETING TO ORDER

Supervisor BRENNAN introduced Salvatore DiCaro, The New Park & Recreation Director to the Board members and public.

PLEDGE OF ALLEGIANCE

1. ROLL CALL
2. Approval of Agenda Items (with any addendum)

MOTION by BUCCI seconded by MEERSCHAERT to approve the August 28, 2002 Agenda with the followings addendum's as follows:

Additions:

Planning Commission:

- 18a. Review of The Final Preliminary Plat; The Bluffs of Beaufait Farms Subdivision. Located west of North Avenue and 1/2 mile north of Hall Road. David Weber, Petitioner. Permanent Parcel no. 08-35-401-002.**

New Business:

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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19a. Direct Planning Commission to hold a public hearing to consider amendments to the Zoning Ordinance no. 10 regarding parking capacity.

19b. Lutheran Heritage Foundation; Temporary Certificate of Occupancy.

Water & Sewer Department:

**24. Approval of Purchase Requisitions:
c. Approval of Edison Easements**

Supervisor Comments:

25a. Recommendation for Finance Supervisor.

25b. Discussion of use of Office Furniture.

25c. Ratification of the recycling program.

25d. Request for professional testing for an individual Township employee.

25e. Entire Fire Department Testing.

25f. Review of Allegations of July 22, 2002 Special Meeting.

EXECUTIVE SESSION:

30. Lombardo & Merlini of Michigan, LLC v Macomb Township, et al.

Tabled as requested per Township Attorney.

MOTION carried.

3. Approval of Bills

MOTION by DUNN seconded by MALBURG to approve the bills as submitted.

MOTION carried.

4. Approval of Meeting Minutes

MOTION by OLIVER seconded by DUNN to approve the Revised Meeting Minutes of September 11, 2002 as submitted.

MOTION carried.

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5. Department Monthly Reports
 - a. Macomb County Sheriffs Department
 - b. Building Department
 - c. Fire Department
 - d. Water/Sewer Department
 - e. Parks and Recreation Department

MOTION by DUNN seconded by MALBURG to approve the Department Monthly reports as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit) None.

PUBLIC HEARING: None.

PLANNING COMMISSION:

7. Revoke Landscape Bond: Edinburgh Estates Subdivision.
(Tabled from August 28, 2002)

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Hearing: Marianna Solomno, Township Resident, stated her concerns to the members of the Board and thanked Jerome R. Schmeiser, Community Planning Consultant and the Township Board for helping Edinburgh Estates Subdivision proceed with existing issues.

Petitioner: John Cavaliere, present.

Mr. Cavaliere held further discussion with the members of the Board regarding the request. The members of the Board held further discussion regarding the request.

MOTION by OLIVER seconded by DUNN that No Action on the request of Revoke Landscape Bond: Edinburgh Estates Subdivision. The Board stated that the item will be rescheduled for the Township Board Meeting of October 23, 2002 for reconsideration.

MOTION carried.

8. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 25 Mile Road, ¼ mile east of Luchtman Road; Macomb Township, Petitioner. Permanent Parcel No. 08-04-300-023.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

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Petitioner: Macomb Township, present.

Public: None.

MOTION by KOEHS seconded by MALBURG to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-04-300-023.

MOTION carried.

9. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 25 Mile Road, ¼ mile east of Luchtman Road; Macomb Township, Petitioner. Permanent Parcel No. 08-04-300-024.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public: None.

MOTION by KOEHS seconded by MALBURG to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-04-300-024.

MOTION carried.

10. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 25 Mile Road, ¼ mile east of Luchtman Road; Macomb Township, Petitioner. Permanent Parcel No. 08-04-300-025.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public: None.

MOTION by OLIVER seconded by MEERSCHAERT to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-04-300-025.

MOTION carried.

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11. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);
Located on the north side of 25 Mile Road, ¼ mile west of Broughton Road;
Macomb Township, Petitioner. Permanent Parcel No. 08-04-400-029.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public: None.

**MOTION by BUCCI seconded by MALBURG to approve the Rezoning Request;
Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township,
Petitioner. Permanent Parcel No. 08-04-400-029.**

MOTION carried.

12. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);
Located on the north side of 25 Mile Road, 1/8 mile east of Luchtman Road;
Macomb Township, Petitioner. Permanent Parcel No. 08-04-300-019.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public: None.

**MOTION by KOEHS seconded by OLIVER to approve the Rezoning Request;
Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township,
Petitioner. Permanent Parcel No. 08-04-300-019.**

MOTION carried.

13. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1);
Located on the north side of 25 Mile Road, 1/8 mile west of Romeo Plank Road;
Macomb Township, Petitioner. Permanent Parcel No. 08-06-476-011.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public: None.

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MOTION by OLIVER seconded by KOEHS to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-06-476-011.

MOTION carried.

14. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 23 Mile Road, ¾ mile east of Romeo Plank Road; Macomb Township, Petitioner. Permanent Parcel No. 08-16-400-003.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public: Lisa Rangelov, property owner reviewed her concerns and stated her request to oppose the rezoning. Mrs. Rangelov held further discussion with the members of the Board.

MOTION by OLIVER seconded by MALBURG to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-16-400-003.

MOTION carried.

15. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 23 Mile Road, ¾ mile east of Romeo Plank Road; Macomb Township, Petitioner. Permanent Parcel No. 08-16-400-014.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public: Lisa Rangelov, Township Resident reviewed her concerns and stated her request to oppose the rezoning. Mrs. Rangelov held further discussion with the members of the Board.

MOTION by KOEHS seconded by MEERSCHAERT to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-16-400-014.

MOTION carried.

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16. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 23 Mile Road, $\frac{3}{4}$ mile east of Romeo Plank Road; Macomb Township, Petitioner. Permanent Parcel No. 08-16-400-009.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Macomb Township, present.

Public Portion: None.

MOTION by OLIVER seconded by KOEHS to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Macomb Township, Petitioner. Permanent Parcel No. 08-16-400-009.

MOTION carried.

17. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located $\frac{1}{4}$ mile north of 22 Mile Road and $\frac{1}{4}$ mile west of Card Road. Ciro Vitale, Petitioner. Permanent Parcel No. 08-22-400-014.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Petitioner: Daryl Gaspshes, representative, present. Mr. Vitale held further discussion with the Township Supervisor John D. Brennan.

Public Portion: Ciro Vitale, Township Resident held further discussion with John D. Brennan, Township Supervisor.

MOTION by DUNN seconded by OLIVER to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Ciro Vitale, Petitioner. Permanent Parcel No. 08-22-400-014.

MOTION carried.

18. Rezoning Request; Residential Urban One Family (R-1) to Office Low Rise; Located north of 23 Mile Road and approximately 1333' feet west of Card Road. John Cavaliere, Petitioner. Permanent Parcel No. 08-15-401-003.

Tabled as requested by the petitioner.

- 18a. Final Preliminary Plat; The Bluffs of Beaufait Farms Subdivision. Located west of North Avenue and $\frac{1}{2}$ mile north of Hall Road. David Weber, Petitioner. Permanent Parcel no. 08-35-401-002.**

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Jerome R. Schmeiser, Community Planning Consultant reviewed the request. Supervisor BRENNAN held further discussion with the Community Planning Consultant and Larry Dloski, Township Attorney. Supervisor BRENNAN reviewed with Larry Dloski, Township Attorney the requirements regarding a Public Hearing Notices. Larry Dloski, Township Attorney stated that Public Hearing posting will not be required for this matter.

Petitioner: David Weber, present.

MOTION by KOEHS seconded by OLIVER to approve the Final Preliminary Plat; The Bluffs of Beaufait Farms Subdivision David Weber, Petitioner. Permanent Parcel no. 08-35-401-002.

MOTION carried.

NEW BUSINESS:

19. Authorize Township Attorney to defend: SALVATORE DiMERCURIO v MACOMB TOWNSHIP.

Supervisor BRENNAN reviewed the request.

MOTION by MEERSCHAERT seconded by BUCCI to approve to Authorize Township Attorney to defend: SALVATORE DiMERCURIO v MACOMB TOWNSHIP.

MOTION carried.

- 19a. Direct Planning Commission to hold a public hearing to consider amendments to the Zoning Ordinance no. 10 regarding parking capacity.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by KOEHS to approve to Direct Planning Commission to hold a public hearing to consider amendments to the Zoning Ordinance no. 10 regarding parking capacity.

MOTION carried.

- 19b. Lutheran Heritage Foundation; Temporary Certificate of Occupancy.

Supervisor BRENNAN reviewed the request.

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MOTION by DUNN seconded by MEERSCHAERT to approve the Lutheran Heritage Foundation; Temporary Certificate of Occupancy to expire on November 1, 2002.

MOTION carried.

FIRE DEPARTMENT:

20. Request permission to seek bids on new fire engines.

Ray Ahonen, Fire Department Chief reviewed the request.

MOTION by DUNN seconded by KOEHS to approve the Request permission to seek bids on new fire engines.

MOTION carried.

21. Request permission to purchase washer/extractor.

Ray Ahonen, Fire Department Chief reviewed the request.

MOTION by DUNN seconded by OLIVER to approve the Request permission to purchase washer/extractor for Eagle Star Equipment total cost of Five thousand nine hundred seventy five dollars and 00/100 (\$5,975.00).

MOTION carried.

WATER/SEWER DEPARTMENT:

22. Easement Encroachment Agreement, Dominic & Jane Marie Napoli, 17932 Nick Drive, Macomb, MI 48044, Lot 19, Willowood Subdivision #2.

David Koss, Water and Sewer Department head reviewed the request.

23. Request for Temporary Cement Batch Plant:
- a. Tony Angelo Cement Construction Company:
 - 1. Emerald Green Subdivision
 - 2. Bluffs of Beaufait Farms
 - 3. Fairways of Macomb Phase II
 - b. John Carlo Inc.
 - 1. Twin Rivers Subdivision Phase I

David Koss, Water and Sewer Department head reviewed the request.

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MOTION by KOEHS seconded by MALBURG to approve 23a. Request for Temporary Cement Batch Plant: a. Tony Angelo Cement Construction Company: 1. Emerald Green Subdivision, 2. Bluffs of Beaufait Farms, 3. Fairways of Macomb Phase II for a period of sixty (60) days starting from September 26, 2002 to expire on November 25, 2002.

MOTION carried.

MOTION by KOEHS seconded by BUCCI to approve 23b. Request for Temporary Cement Batch Plant: John Carlo Inc.: 1. Twin Rivers Subdivision Phase I. This approval of thirty (30) days is contingent upon no additional materials being brought to the site until the following conditions are met:

- 1. That the Drain Commission grant inspection approval of the Bridge located on across the Clinton River.**
- 2. That the bridge located across Clinton River is completed before any further construction on the site.**
- 3. That the Building Department and Township Engineer inspect and approve the bridge.**
- 4. That the streets located in Westchester Subdivisions Nos. 1 & 2 will not be used for any construction traffic for the Twin River Subdivision.**
- 5. All construction access must enter from Romeo Plank Road and cross the bridge.**
- 6. That the Township is notified of the completion of the above conditions.**

The Boards approval is also contingent upon the posting of the required cash bond and meter deposit with the Water/Sewer Department. If all conditions are met the petitioner may request an extension of time for this batch plant.

MOTION carried.

Member OLIVER is opposed to this motion. Supervisor BRENNAN stated that the remaining six (6) members of the Board are in favor of this motion.

24. Approval of Purchase Requisitions:
 - a. R. Vanderlind & Son
 - b. SLC Meter Service Inc.
 - c. Approval of two (2) Edison Easements

David Koss, Water and Sewer Department head reviewed the request.

MOTION by DUNN seconded by BUCCI to approve 24a. R. Vanderlind & Son as submitted.

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MOTION carried.

MOTION by MEERSCHAERT seconded by KOEHS to approve 24b. SLC Meter Service Inc. as submitted.

MOTION carried.

MOTION by KOEHS seconded by DUNN to approve 24c. Approval of two (2) Edison Easements as submitted. This motion is contingent upon the review from Larry Dloski, Township Attorney, it will then be forwarded to John D. Brennan, Township Supervisor, for his required signature.

MOTION carried.

BOARD COMMENTS:

25. Supervisor Comments

25a. Recommendation for Finance Supervisor.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the Recommendation for Finance Supervisor: Stacy VanReyndam and that effective pay period will start on September 26, 2002.

MOTION carried.

25b. Discussion of use of Office Furniture.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by KOEHS to authorize John D. Brennan, Township Supervisor to negotiate situation with Armada Township regarding use of Office Furniture that is no longer in use by Macomb Township.

MOTION carried.

25c. Ratification of the recycling program.

Supervisor BRENNAN reviewed the request.

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MOTION by KOEHS seconded by MALBURG to approve the request of Ratification of the recycling program as reviewed by John D. Brennan, Township Supervisor. This motion includes the three hundred and ninety-dollar (\$390.00) payment for the year and the additional deposit of twenty-five dollars (\$25.00) for the discussed four to six containers.

MOTION carried.

25d. Request testing for a Township employee.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the request for testing a Township employee for discussed issues. The Township will be responsible for the fees of procure.

MOTION carried.

25e. Entire Fire Department Testing.

Supervisor BRENNAN reviewed the request.

MOTION by MALBURG seconded by KOEHS to approve the Entire Fire Department Testing as discussion per John D. Brennan, Township Supervisor.

MOTION carried.

25f. Review of Allegations of July 22, 2002 Special Meeting.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by MALBURG to take No Action on the Allegations reviewed by The Township Board of Trustees at the July 22, 2002 Special Meeting.

MOTION carried.

Member MEERSCHAERT requested to abstain for the Motion.

26. Clerk's Comments

Clerk KOEHS informed the Board that the Annual Audit is moving along well.

27. Treasurer's Comments None.

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28. Trustee's Comments None.

EXECUTIVE SESSION:

MOTION by MEERSCHAERT seconded by KOEHS to adjourn into the Executive Session at 8:31 P.M.

MOTION carried.

Meeting reconvened at 8:38 P.M.

29. Brockert, et al v Township of Macomb: Consideration of Consent Judgement.

MOTION by KOEHS seconded by DUNN to authorize Larry Dloski, Township Attorney, John D. Brennan, Township Supervisor, and Michael D. Koehs, Township Clerk to sign the consent judgement.

MOTION carried.

30. Lombardo & Merlini of Michigan, LLC v Macomb Township, et al.

Tabled as requested per Township Attorney.

ADJOURNMENT

MOTION by MEERSCHAERT seconded by MALBURG to adjourn the meeting at 8:40 P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk

Gabrielle M. Baker, Recording Secretary
MDK/gmb